

PROVO DIVISION.

CLASS "A" RIGHTS.

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That all of the flow of Provo River, its tributaries, springs, seepage and percolating waters, appropriated by the defendants and the predecessors in interest of the plaintiff before May 12th, 1903, for the purposes of irrigation, domestic and municipal uses and for the generation of power; in the Provo Division, are herein denominated Class "A", and be and the same is hereby awarded to the following named parties; for the purposes of irrigation together with the number of acres of land and the duty of water per second foot upon said land, for the purposes of domestic and municipal uses and for the generation of power; in the quantities and for the periods hereinafter set forth:-

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PROVO CITY.

(A)

2,058.6 Acres of Farm Land.

From May 10th to June 20th, Duty 57,	36.12	second feet.
" June 20th to July 20th, " 63,	32.68	" "
" July 20th to May 10th, " 70,	29.41	" "

(b)

499.91 Acres of City Lots.

From May 10th to Sept. 1st, Duty 50,	10.00	second feet.
" Sept. 1st to May 10th, " 70,	7.14	" "

(c) 16.50 second feet, during the irrigation season of each and every year. Which water has heretofore been used for irrigation purposes by said City and for the generation of power by the Provo Ice & Cold Storage Company a corporation, E. J. Ward & Sons Company a corporation, Knight Woolen Mills a corporation, Smoot Investment Company a corporation, and Upton Hoover, W. E. Hoover, Webster Hoover and Frank Hoover as partners doing business under the name of Excelsior Roller Mills. And the said use for power purposes has been under license and grant from said Provo City and at such times and in such manner as has been made by mutual arrangements therefor.

(d) During the non-irrigating season of each and every year, subject to the rights of storing water at the several reservoirs of the plaintiff and defendants as hereinafter set forth, sufficient of the waters of Provo River to supply the necessities of Mill owners upon the Factory Race using water under license and grant from said City, not to exceed 65 second feet.

(e) Said defendant, Provo City, is the owner of, and has the right to collect by its pipe line and Waterworks System as now located and constructed in Provo Canyon, Utah County, Utah, and is entitled to divert into its said Waterworks System and to convey and use for domestic and municipal purposes at Provo City, Utah, and adjacent thereto, all of the waters of "South Guard Quarters Spring", which arises in a ravine above the flume line of the Utah Power & Light Company and below the ditch known as the Johnson ditch, situate in the southwest quarter section 33, in township 5 south of range 3 east of the Salt Lake Base and Meridian. Also all of the waters of all springs arising between the County Road as now located and used and the flume line of the Utah Power & Light Company and down from the County highway bridge crossing said river near the mouth of Bridal Veil Falls to the west line of the northeast quarter of section 5 in township 6 south of range 3 east of the Salt Lake Base and Meridian; excepting therefrom, however, all of the waters of all springs which flow into or rise in the Blue Cliff Canal and all of the waters of Maple or commonly called Yellow Jacket Spring.

GENERAL PROVISIONS CONCERNING
RIGHTS AND ADMINISTRATION.

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It is further ordered, adjudged and decreed; that for the purpose of maintaining the volume of flow of Provo River available for use of the parties; and to maintain to the parties hereto the respective rights herein awarded and decreed, none of the parties shall change the place of use of said water so as to cause the seepage or drainage therefrom to be diverted away from the channel of said river, or canals, or from the lands heretofore irrigated thereby.

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It is further ordered, adjudged and decreed, that the storage waters, the Ontario Drain Tunnel waters, and the waters diverted from the Weber River watershed, turned into and comingled with the waters of Provo River, shall bear each its respective loss by evaporation and seepage, and shall bear each its respective proportion of the cost of distribution and administration of the orders of the Court and the Decree herein, and;

The final determination and fixing of the quantity of water that should be deducted for loss in transmission of the stored waters, the Ontario Drain Tunnel waters, and the waters diverted from the Weber River watershed, turned into and comingled with the waters of the Provo River, is postponed until such time as observations and measurements will enable the Court to fix the same with reasonable certainty. The Court will therefore retain jurisdiction of this case for that purpose and at some future time, upon application of any party interested therein, will hear such evidence as may be available, and determine the amount of loss in transmission of such water, Pending such hearing and determination there may be deducted from the stored waters, four per cent of their volume, for loss by evaporation and seepage.

That the Commissioner shall determine, when practicable, the quantity of loss by evaporation and seepage, of the waters in this paragraph referred to.

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It is further ordered, adjudged and decreed, that excepting storage waters, Ontario Drain Tunnel waters, waters diverted from the Weber River watershed, the waters used for the generation of power in the Wasatch Division, and denominated "Wasatch Division Power Rights", the waters used for the generation of power in the Provo Division by the Utah Power & Light Company, the waters of the Midway Waterworks Company, and the waters for domestic and municipal uses of Provo City as set out in subdivision (e) paragraph 4; whenever the quantity of water is insufficient to supply a class, then the persons and parties entitled thereto shall have the same distributed to them pro rata according to the quantities to which they are entitled in said class.

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It is further ordered, adjudged and decreed, that all the rights declared and decreed herein are founded upon appropriation of water necessary for some beneficial use, and all such rights are subject in their exercise to the conditions that they are required and necessary for beneficial uses and all such rights are expressly subject to the limitations and conditions that all of such water is used for some beneficial purpose and is used economically, without waste, and with due care, and is reasonably and fairly necessary for such use.

That all the rights declared and decreed herein, founded upon appropriation of water by application to the State Engineer of the State of Utah, are subject in their exercise and condition upon compliance with the terms of the application upon which each respective appropriation is based and upon compliance with the provisions of the laws of the State of Utah relating thereto, and, further, each is subject to the provisions of the laws of the State of Utah governing the issuance of certificates of completion of appropriation by said State Engineer, and are expressly subject to the limitations and conditions as contained in the application and as the same may be further defined in the certificate of completion of appropriation.

That all the rights declared and decreed herein, are awarded for the beneficial uses specified, and none of the parties hereto, or their successors in interest, whether heirs, executors, administrators, successors or assigns, shall divert any of the waters of said Provo River, or any of its tributaries, except for beneficial use, and whenever such use has ceased such party or parties shall cease to divert, and have no right to divert, the said waters, or any part thereof, and each and all of the parties hereto, their servants, attorneys, employees, and successors in interest, as aforesaid, are forever enjoined and restrained from any and all interference with or diversion or use of the said waters, except in the manner, and to the extent, and for the purposes, provided herein, whenever such interference or use would in any manner or at all interfere with the diversion or use of the water awarded herein to any of the other parties to this action.

That all the rights declared and decreed herein, for domestic and municipal uses and for the generation of power, are continuous throughout the year without limitation to time or season.

And that all the rights declared and decreed herein, for irrigation purposes, include the right to divert and use water for irrigation, culinary, domestic and agricultural purposes connected therewith. And such rights of diversion and use for culinary, and domestic purposes are continuous throughout the year, and are limited to the quantity reasonably necessary for said uses. And such rights of diversion and use for irrigation purposes is confined to the irrigation season of each year, and none of said parties shall divert or use any of said waters, (except for culinary and domestic purposes as hereinbefore provided,) during the non-irrigating season -- after the necessity for such use for irrigation purposes has ceased in the Autumn of each year and until it is necessary to use the same for irrigation purposes in the Spring of the year following. The Commissioner, herein provided for, shall enforce the provisions of this paragraph, particularly to restricting the quantity of diversion of water during the non-irrigating season in each year whenever such diversion will in any way or at all interfere with the use of said waters by the parties herein awarded water for the generation of power. And that any party to this action, his heirs, executors, administrators, successors and assigns, who is dissatisfied with the regulations or rules imposed by the said Commissioner, may apply to the Court, by written application and said application may be heard upon affidavits or oral testimony as the parties may elect, for a review thereof and an order of direction in the premises.